

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**RESPONSE UNDER RULE 116
EXPEDITED HANDLING PROCEDURES**

In re Patent Application of



Atty. 4398-254

Dkt.

C# M#

LANG et al.

Serial No. 10/655,595

Filed: September 5, 2003

Title: FOREHEAD PAD FOR RESPIRATORY MASK

TC/A.U. 3743

Examiner: Teena Kay Mitchell

Date: October 31, 2006

Mail Stop AF

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

RESPONSE/AMENDMENT/LETTER

This is a response/amendment/letter in the above-identified application and includes an attachment which is hereby incorporated by reference and the signature below serves as the signature to the attachment in the absence of any other signature thereon.

 Correspondence Address Indication Form Attached.**Fees are attached as calculated below:**

| | | | |
|--|-----------|----------------------|--------------------------------|
| Total effective claims after amendment | 67 | minus highest number | |
| previously paid for | 67 | (at least 20) = | 0 x \$50.00 |
| | | | \$0.00 (1202)/\$0.00 (2202) \$ |

| | | | |
|------------------------------------|-----------|----------------------|--------------------------------|
| Independent claims after amendment | 12 | minus highest number | |
| previously paid for | 12 | (at least 3) = | 0 x \$200.00 |
| | | | \$0.00 (1201)/\$0.00 (2201) \$ |

| | | | |
|--|--|---------------------------------|----|
| If proper multiple dependent claims now added for first time, (ignore improper); add | | | |
| | | \$360.00 (1203)/\$180.00 (2203) | \$ |

| | | |
|---|--|--|
| Petition is hereby made to extend the current due date so as to cover the filing date of this paper and attachment(s) | | |
| | | One Month Extension \$120.00 (1251)/\$60.00 (2251) |

| | | |
|--|--|--|
| | | Two Month Extensions \$450.00 (1252)/\$225.00 (2252) |
|--|--|--|

| | | |
|--|--|---|
| | | Three Month Extensions \$1020.00 (1253)/\$510.00 (2253) |
|--|--|---|

| | | |
|--|--|--|
| | | Four Month Extensions \$1590.00 (1254)/\$795.00 (2254) |
|--|--|--|

| | | |
|--|--|--|
| | | Five Month Extensions \$2160.00 (1255)/\$1080.00 (2255) \$ |
|--|--|--|

| | | | |
|-----------------------------------|--|--|-------------------------------------|
| Terminal disclaimer enclosed, add | | | \$130.00 (1814) / \$65.00 (2814) \$ |
|-----------------------------------|--|--|-------------------------------------|

| | |
|--|---|
| <input type="checkbox"/> Applicant claims "small entity" status. | <input type="checkbox"/> Statement filed herewith |
|--|---|

| | | | |
|---|--|--------------------|------|
| Rule 56 Information Disclosure Statement Filing Fee | | \$180.00 (1806) \$ | 0.00 |
|---|--|--------------------|------|

| | | | |
|--------------------------|--|-------------------|------|
| Assignment Recording Fee | | \$40.00 (8021) \$ | 0.00 |
|--------------------------|--|-------------------|------|

| | | | |
|--|--|----|------|
| Other: Request for Correction of Notice of Recordation | | \$ | 0.00 |
|--|--|----|------|

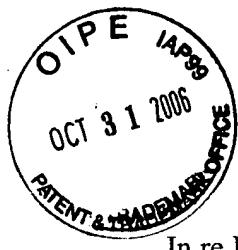
| | |
|---------------------------|----------------|
| TOTAL FEE ENCLOSED | \$ 0.00 |
|---------------------------|----------------|

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140. A duplicate copy of this sheet is attached.

901 North Glebe Road, 11th Floor
Arlington, Virginia 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100
PTB:jck

NIXON & VANDERHYE P.C.
By Atty: Paul T. Bowen, Reg. No. 38,009

Signature: _____



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

LANG et al. Atty. Ref.: 4398-254; Confirmation No. 7314

Appl. No. 10/655,595 TC/A.U. 3743

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For: FOREHEAD PAD FOR RESPIRATORY MASK

* * * * *

October 31, 2006

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Alexandria, VA 22313-1450

Sir:

REQUEST FOR RECONSIDERATION

In response to the Office Action mailed July 31, 2006, Applicants hereby request reconsideration based on the following comments.

At the outset, Applicants appreciate the courtesies extended by Examiner Mitchell to Applicants' representative during a personal interview conducted on October 25, 2006. The substance of the personal interview is discussed below.

In the Office Action, claims 36-42 and 65-67 were rejected under 35 U.S.C. §103(a) over Lang (DE 100 451 83) in view of Kopacko et al. (U.S. Patent No. 6,467,483). This rejection is respectfully traversed.

Applicants appreciate the acknowledgement that Lang fails to teach or suggest a generally trapezoidal surface. In order to make up for these deficiencies, the Office Action relies